IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 25409 of 2007(Y)

PETITIONER:

SHAHEELA CHRISTY,
BENNY BHAVAN, KERALADITHYAPURAM,
POWIKONAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.R.MANOJ
SMT.SINDHU MANOJ

RESPONDENTS:

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1. THE CENTRAL BANK OF INDIA,
REPRESENTED BY ITS REGIONAL MANAGER,
THIRUVANANTHAPURAM.

2. C.T. JAYAKUMAR,
TC.1/903, "CHALUVILAKOM", OPPOSITE MEDICAL COLLEGE
HIGHER SECONDARY SCHOOL, KUMARAPURAM,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695 011.

R1 BY ADV. SRI.DEVAN RAMACHANDRAN
SRI.SUMESHKUMAR
R2 BY ADV SRI.M.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 25409/07

PETITIONER'S EXTS:

EXT.P1: A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 2ND RESPONDENT BEFORE THE CHAIRMAN OF THE CENTRAL BANK OF INDIA, DT. 3.4.2007

EXT.P2: -DO- OF THE REPLY SUBMITTED BY THE PETITIONER DT. 27.4.2007

EXT.P3: -DO- OF THE WRITTEN STATEMENT SUBMITTED BY REMADEVI BEFORE THE ABOVE ENQUIRY OFFICER DT. 20.7.2007

EXT.P4: -DO- OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE KERALA WOMENS COMMISSION

EXT.P5: -DO- OF THE MEMORANDUM ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT DT. 10.7.2007

EXT.P6: -DO- OF THE REPLY SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DT. 23.7.2007

EXT.P7: -DO- OF THE MEMORANDUM ISSUED TO THE PETITIONER DT. 21.7.2007

jj /TRUE COPY/

P.A. TO JUDGE

V.GIRI,J.

W.P (C) No. 25409 of 2007

Dated this the 5th December, 2007

J U D G M E N T

The petitioner is working as a Computer Terminal Operator in the Kumarapuram Branch of the Central Bank of India. The 2nd respondent is a customer in the said Branch. According to the petitioner, the 2nd respondent used to misbehave with her. According to the petitioner, the 2nd respondent had filed a false complaint against the alleged misbehaviour of the petitioner. It is further contended that the 2nd respondent had filed a complaint against the petitioner before the Chairman of the Bank, the same is referred to in Exhibit-P1. Petitioner's explanation was called for and she submitted the same as per Exhibit-P2. Petitioner contends that another enquiry was conducted in this regard through Sri. R. Jayakrishnan, Manager, Regional Office of the Central Bank of India. He refers to Exhibit-P3 which is a written statement submitted by a colleague of his office before Sri. Jayakrishnan. Petitioner makes a reference to the alleged finding that the second respondent had an altercation with one Mr. Justine. It seems that the petitioner had lodged Exhibit-P4 complaint before the Kerala Womens

Commission. Exhibit-P5 notice was issued by the Bank requiring the petitioner to show cause as to why disciplinary action should not be initiated against her. Exhibit-P6- was given by the petitioner. Petitioner sought for time to file an additional reply. According to the petitioner, sufficient time has not been granted. The grievance raised in the writ petition is to the effect that report stated to have been submitted by Sri. Jayakrishnan, has not been supplied to the petitioner. In a counter affidavit filed by the Bank, it is inter alia contended that the writ petition is premature. Exhibit-P5 show cause notice has been issued to enable the bank to decide whether disciplinary action should be initiated against the petitioner. Sufficient time has been given to the petitioner to submit a reply thereto. A copy of the report as sought for by the petitioner is not a relevant material at this stage in so far as the petitioner is concerned, because departmental proceedings are yet to be initiated against her. The Bank is deliberating upon the said aspect. Respondents pray that writ petition be dismissed.

After hearing the learned counsel for the petitioner and the learned standing counsel for the Bank, this writ petition is

disposed of holding that if the Bank ultimately decides to hold departmental proceedings against the petitioner pursuant to Exhibit-P5 and it is noticed that a report stated to have been submitted by Sri. Jayakrishnan is also a relevant material therein, then a copy of the same must be supplied to the petitioner. In the facts and circumstances of the case, petitioner shall submit a detailed reply, if so advised, to Exhibit-P5, within two weeks from today and if it is so filed within the said time, it shall be treated as a reply to Exhibit-P5. No further directions are called for at this stage. The writ petition is accordingly disposed of.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007